

REMARKS

On July 27, 2004, a first non-final Office Action ("First Non-Final") was issued by Examiner Forest Thompson Jr. in the above-identified application.

On December 9, 2004, the Applicants filed a response ("First Response") to the First Non-Final.

On January 6, 2005, a second non-final Office Action ("Second Non-Final") was issued by Examiner Matthew S. Gart. Upon review of the Second Non-Final, it became apparent that the Second Non-Final was a verbatim copy of the First Non-Final. For example, the Second Non-Final included the signature of Examiner Forest Thompson Jr., even though Examiner Gart's name was on the cover sheet thereof. Furthermore, the Second Non-Final did not acknowledge the First Response.

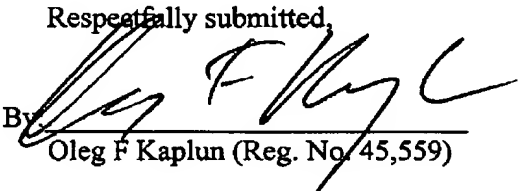
On March 31, 2005, a telephone interview was conducted with Examiner Gart. Examiner Gart acknowledged that the Second Non-Final was identical to the First Non-Final and that due to an error, the First Response had not been reviewed. As such, Examiner Gart instructed the Applicants to file this Response ("Second Response") explaining the history and the present status of the above-identified application. Examiner Gart agreed that the First Response was timely filed and that the Applicants need not re-file the First Response. Rather, he indicated that the Applicants should file the Second Response and await an Office Action addressing the issues raised in the First Response for further actions by the USPTO.

In view of the above remarks, the Applicants respectfully request that the First Response to the First Non-Final address all issues raised in the First and Second Non-Final Actions and requests consideration of the First Response. In view of the First Response, and the previously amended claims are in consideration for allowance.

Respectfully submitted,

Dated: March 31, 2005

By


Oleg F Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
(212) 619-6000 (phone)
(212) 619-0276 (facsimile)